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ARKANSAS STATE
BOARD OF PHARMACY

ARKANSAS STATE BOARD OF PHARMACY
322 South Main St., Suite 600
Little Rock, AR 72201

Tuesday, October 12, 2021

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on October 12, 2021. The meeting originated from the Arkansas State Board of Pharmacy office located at 322 South Main Street, Suite 600, Little Rock, AR., and was held in person and via Zoom.

The meeting was called to order by Rebecca Mitchell, Pharm D., President.

Members present:

- * Lynn Crouse, Pharm.D.
- * Lenora Newsome, P.D.
- * Brian Jolly, Pharm.D.
- * Rodney Richmond, Pharm.D. (Zoom)
- * Debbie Mack, P.D. (Zoom)
- * Carol Rader, RN (Zoom)
- * Amy Fore, MHSA (Zoom)

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel (Zoom)
- * Kevin Robertson, Pharm.D.
- * Cindy Fain, P.D.
- * Brandon Holland, Pharm.D.
- * Lana Whitmore, CFO

All members were present.

Mrs. Whitmore presented the Board with the financial report for review.

BOARD ACTION:

Dr. Newsome made the motion to accept the financial report. Dr. Mack seconded the motion. The vote for the motion was unanimous.

The minutes from the June 8-9, 2021, Board Meeting; the July 8, 2021, Emergency Conference Call Meeting; and the August 9-10, 2021, Called Board Meeting were reviewed.

BOARD ACTION:

Dr. Newsome made the motion that the minutes of the June 8-9, 2021, Board Meeting; the July 8, 2021, Emergency Conference Call Meeting; and the August 9-10, 2021, Called Board Meeting be approved as presented. Dr. Mack seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity. Each applicant was asked to complete a questionnaire regarding practice history, type of business, and background. The Board interviewed the candidates in five separate groups, spoke to them all

regarding Arkansas CE requirements, and made motions for each specific group. The following candidates appeared before the Board via ZOOM:

Sea Yean		An
Rebecca	Montgomery	Arnold
Caleb	Wesley	Benitone
Andrew	Carl	Bidinotto
Michael	Anthony	Brancato
Caylee	Brooke	Burnine
Anne	Victorine	Cetto
Bryan	Michael	Ciervo
James	Douglas	Cooksley
Joelvis		Cuadros
Paula	Lynn	Cullen
Thi	Kim	Dang
Ani	Hagop	Derboghossian
Radhika	J.	Dhaduk
Sara	Cate	Dominick
Sonya	Maria	Dunn
Jeremy	Austin	Edmonds
Amanda	Leigh	Elchynski
Reem	Aly	Elkady
Zachary	Dillon	Fair
Denise	Marie	Folchetti
Jordan	Elaine	Frangello

BOARD ACTION:

Dr. Newsome made the motion to approve the above applicants for reciprocity.
Dr. Crouse seconded the motion. The vote for the motion was unanimous.

Lisa	Marie	Gagliardi
Eric	Andrew	Gartner
Tiffany	Marie	Garrison
Christopher	Charles	Gibson
Candace	Marie	Gourno
Lisa	Patterson	Hubbard
Michael	Jerry	James
Ze		Jiang
Micaela	Gale	Killius
Grace	Eun	Kim
Scott	Ryan	Kislak
Michelle	Gi-Eun	Lee
Indra		Leibowitz

Danielle	V.	Lobaton
Pamela	Mitchum	Luthra
Jennifer	Nobles	Lynch
Kelsey	Anne	Malcolm
Stephanie	Dawn	McVey
Ali	Mohamad	Mroue
Amanda		Nguyen
Kenneth	Thang	Nguyen
Long	Minh	Nguyen

BOARD ACTION:

Dr. Mack made the motion to approve the above applicants for reciprocity. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Dr. McCrady presented the Board with Consent Agreements, Voluntary Surrenders, and Investigative Costs Recuperations.

BOARD ACTION:

Dr. Newsome made the motion to approve and accept all orders and agreements as presented. Dr. Crouse seconded the motion. The vote for the motion was unanimous.

The Board's interview process continued for the following candidates for Reciprocity:

Deepak	R.	Patel
Neha		Patel
James	Tanyon	Reeves
Nicole	Christine	Robert
Aubrey	Michelle	Rogers
Kirat	P.	Shahiwala
Nina		Shamayevea
Jill	Lynne	Smith
Caitlen	Charity Doss	Stellpflug
Staphanie	Carter	Stubbs
Michael	Lewis	Swindling
Preston	Adrian	Tai
Kimberly	Ann	Tedesco
Caleb	Michael	Thompson
Chad	Richard	Tinnes
Ross	Kevin	Tucker
Onyeoma	Joan	Uyanwune

Kellie	Marie	Vile
Andrew	Martin	Warther
Gerald	James	Wasik
Heather	Lynn	Watson
John	William	Weitgenant
Rodney	Neal	Weldon
Audrey	Marie	Wenski
Gretchen	Lea	Whaley
Scott	Thomas	Wuebbels

BOARD ACTION:

Dr. Crouse made the motion to approve the above applicants for reciprocity. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

The Board discussed the continuing education requirements as well as the benefits of joining the Arkansas Pharmacists Association with each group of reciprocity candidates.

Samer Habib Ibrahim appeared before the Board by request to discuss his application for reciprocity and the Arkansas Jurisprudence Exam.

BOARD ACTION:

Dr. Crouse made the motion to approve the reciprocity application for Samer Habib Ibrahim pending completion of application requirements. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Edwin O'Bannon, PD07457, appeared before the Board to provide an update on his license status. Mr. Daniel reminded the Board that Dr. O'Bannon appeared before the Informal Committee in December 2020 to discuss some issues. At that time, the Board ordered him to undergo several steps to ensure he was able to practice, and in the meantime, he was unable to work as a pharmacist in Arkansas or be the Arkansas pharmacist in charge for an out of state pharmacy until he received permission from the Board. Dr. O'Bannon said he would agree to move someone else into the PIC position for the pharmacy's Arkansas permit until he takes and passes the Arkansas Jurisprudence Exam.

Nichole Cover, Frank Koen, and Brad Lawson representatives with Walgreens, appeared before the Board to request approval for a central fill pharmacy located in Northlake, TX. The Walgreens Northlake Central Fill Pharmacy intends to provide prescription fulfillment support for Walgreens retail stores in Arkansas. They said this will allow the retail pharmacy staff to spend more time with their retail patients.

BOARD ACTION:

Dr. Jolly made the motion to approve the Walgreens Northlake Central Fill Pharmacy application and the central fill request as presented. Dr. Crouse seconded the motion. The vote for the motion was unanimous.

Syed Haider, Ahmad Haider, and Dottie Bradford, representatives with Woodson Pharmacy located in Hensley, Arkansas, appeared before the Board per staff request, to answer questions regarding the business model for the pharmacy prior to approving the application.

BOARD ACTION:

Dr. Crouse made the motion to approve the application for Woodson Pharmacy. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Support Group Discussion

Amy Johnson appeared before the Board with her attorney Rob Mosby, to discuss her Palmetto evaluation which was ordered by the Board. Dr. Johnson appeared before the Board in a formal hearing in August 2021. The motion the Board made at that time was the charges were pending an evaluation by a board approved facility. The Order in this matter stated, "After the evaluation report is received by the Board, the Respondent will be set to reappear before the Board to discuss the evaluation. A ruling on the charges will be made at that time."

BOARD ACTION:

Dr. Jolly made the motion to postpone the recommendations from Dr. Johnson's previous evaluation until we have a current psychiatric evaluation from Dr. House or another Board approved psychiatrist. Dr. Crouse seconded the motion. The vote for the motion was unanimous.

Michael Butler and Todd Beagle appeared before the Board on behalf of Butler Pharmacies to request approval to do off-site order entry.

BOARD ACTION:

Dr. Newsome made the motion to approve the request for off-site order entry as presented. Dr. Mack seconded the motion. The vote for the motion was unanimous.

Jeffrey Cook appeared before the Board on behalf of UAMS to request approval to do off-site order entry between Little Rock and North Little Rock facilities so that there can be multiple checks on the EMR at the North Little Rock facility.

BOARD ACTION:

Dr. Newsome made the motion to approve the request for remote order entry as requested. Dr. Crouse seconded the motion. The motion passes. Dr. Jolly recused from this motion.

The Board adjourned for the day.

Wednesday, October 13, 2021

The meeting was called to order by Rebecca Mitchell, Pharm.D., President.

Members present:

- * Lynn Crouse, Pharm.D. (Zoom)
- * Lenora Newsome, P.D.
- * Brian Jolly, Pharm.D.
- * Rodney Richmond, Pharm.D. (Zoom)
- * Debbie Mack, P.D. (Zoom)
- * Carol Rader, RN (Zoom)
- * Amy Fore, MHSA (Zoom)

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel (Zoom)
- * Kevin Robertson, Pharm.D.
- * Cindy Fain, P.D.
- * Brandon Holland, Pharm.D.
- * Lana Whitmore, CFO

All members were present.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Brian's Pharmacy, AR20781, Brian Andrew Kosey, PD07593, and Amanda Wallace-Husser (Unlicensed), Case #2021-077**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was represented by Darren O'Quinn.

BOARD ACTION

Dr. Jolly made the motion in the matter of **Brian's Pharmacy, AR20781, and Brian Kosey, PD07593, Case #2021-077**, that Allegations A1 – A13 are true, and Charges C1 – C4 are proven, and we impose a \$2,500 fine a piece on both the permit holder and the pharmacist in charge. In addition, Dr. Kosey is to complete 3 hours of continuing education related to professional duties as reviewed and accepted by board staff. Dr. Newsome seconded the motion. Dr. Richmond was not present for the vote. The motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Michael Kevin Hogan, Formerly PD06974, Case #2021-086**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Mack made the motion in the matter of **Michael Kevin Hogan, Formerly PD06974, Case #2021-086**, that Allegations A1 – A8 are true, and Charges C1 – C3 are proven, and the Board moves to not reinstate his license at this time. Dr. Newsome seconded the motion. Dr. Crouse was not present for the vote. The motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Orphan Pharmacy Services, LLC, OS02872, Case #2021-054**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Mack made the motion in the matter of **Orphan Pharmacy Services, LLC, OS02872, Case #2021-054**, that Allegations A1 – A7 are true, and Charges C1 – C5 are proven, and we impose a \$2,500 minimum fine for not having a pharmacist in charge during the interim since January of 2021 and pay \$750 in investigative cost. Also, the license is to be suspended until they get a pharmacist in charge, or the permit expires, whichever comes first. To get the license off suspension, we will need a report documenting what has or has not shipped into Arkansas, along with, of course, the fine and investigative cost being paid prior. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

Board Discussions on Rule Changes

Dr. Kirtley presented information on the following rule changes and future rules changes.

Rule 1 – General Operations

Proposed changes will update language regarding expedited licensing for qualified individuals to match requirements in Act 135 of 2021.

Rule 5 – Long Term Care facilities

Proposed changes will remove the nursing home consultant permit endorsement requirement on the pharmacist license to practice in this area in accordance with Act 63 of 2021. Nursing Home consultants will no longer require an endorsement on the license. Outlines the duties that are required by a pharmacist if providing consultant services. The consultant pharmacist must be licensed on Arkansas, and a copy of the Arkansas Pharmacist permit must be displayed in the Nursing Home facilities.

Rule 9 – Pharmaceutical Care/Patient Counseling

Proposed changes will remove the disease state management endorsement process on the pharmacist license in accordance with Act 63 of 2021, remove language in conflict with and in addition to updated statutory language as shown in Act 406 of 2021 reflecting the ability of pharmacists to prescribe, administer, deliver, distribute, or dispense vaccines, immunizations, and medications to treat adverse reactions to administered vaccines as outlined in statute and will update language to reflect that pharmacy technicians may administer vaccines and immunizations they have been trained to administer as outlined in Act 407 of 2021.

The Board adjourned for the day.

Thursday, October 14, 2021

The meeting was called to order by Rebecca Mitchell, Pharm.D., President.

Members present:

- * Lynn Crouse, Pharm.D. (Zoom)
- * Lenora Newsome, P.D.
- * Brian Jolly, Pharm.D.
- * Rodney Richmond, Pharm.D. (Zoom)
- * Debbie Mack, P.D. (Zoom)
- * Carol Rader, RN (Zoom)
- * Amy Fore, MHSA (Zoom)

Staff present:

- * John Kirtley, Pharm.D., Executive Director
- * Brenda McCrady, P.D, Assistant Director
- * Luke Daniel, General Counsel (Zoom)
- * Kevin Robertson, Pharm.D.
- * Cindy Fain, P.D.
- * Brandon Holland, Pharm.D.
- * Lana Whitmore, CFO

All members were present.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Spencer Douglas Johnson, PD12664, Case #2021-CE029**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Jolly made the motion in the matter of **Spencer Douglas Johnson, PD12664, Case #2021-CE029**, I move that we dismiss the charges for this Notice of Hearing and impose a non-disciplinary consent agreement where Dr. Johnson will pay \$100 per hour for each CE hour he is short, plus provide the Board with two times the CE requirement and impose a \$375 investigative cost, a non-disciplinary fine, and that he provide both payment and proof of CE by the end of this calendar year. Dr. Mack seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Jennifer Seddelmeyer, PD12876, Case #2021-CE045**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not represented by counsel.

BOARD ACTION

Dr. Newsome made the motion in the matter of **Jennifer Seddelmeyer, PD12876, Case #2021-CE045**, we want to dismiss that case and in return, we want to offer a consent order for her – she is short four hours of CE and is going to be charged \$100 per hour short, for a total of \$400, and she is to get eight hours of live CE and pay \$375 for investigative costs, for a total due of \$775. These are all due by the end of year, December 31, 2021. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **US Compounding, Inc., AR20503, WD03144, Case #2020-081**. In lieu of a hearing, Mr. Daniel, Counsel for the Board presented a Settlement Agreement to the Board and asked if they wanted to allow US Compounding to sign a Consent Agreement agreeing to surrender license AR20503 and WD03144 effective October 21, 2021, and a \$75,000 disciplinary penalty due within 30 days along with \$75,000 in investigative costs due within 30 days for a total of \$150,000, and they will agree to not license in Arkansas. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing

Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was represented by Jeff Singleton and Erika Gee. Dr. Mitchell recused from the hearing.

BOARD ACTION

In the matter of **US Compounding, Inc., AR20503, WD03144, Case #2020-081**, Dr. Crouse made a motion to accept general counsel's proposal. Dr. Richmond seconded the motion. Dr. Mitchell recused from the vote. The motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Brenda Carter, PD07524, Case #2021-CE009**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not present for the hearing.

BOARD ACTION

Dr. Crouse made the motion in the matter of **Brenda Carter, PD07524, Case #2021-CE009**, that Allegations A1 – A4 are true, and Charges C1 – C2 are proven, and we impose a \$950 fine (which is \$100 for each hour short) plus investigative costs of \$375 for a total of \$1,325, plus obtain 19 hours of continuing education (which is double the amount owed) in addition to the hours required for upcoming biennium. All of this is to be provided to the Board by Dec 15, 2021, and if is not received the license will be suspended. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Kajijo Michael Guya, PD11776, Case #2021-CE022**. Dr. Mitchell called the hearing to order and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not present for the hearing.

BOARD ACTION

Dr. Newsome made the motion in the matter of **Kajijo Michael Guya, PD11776, Case #2021-CE022**, that Allegations A1 – A4 are true, and Charges C1 – C2 are proven, that we agree to offer Dr. Guya a Consent Agreement, accept the \$1,250 payment and add an additional \$375 for investigative costs, and accept the CE provided. The additional \$375 and signed Consent Agreement must be received by December 15, 2021, or the license will be suspended. Dr. Jolly seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **John Cornwell, PD06124, Case #2021-CE012**. Dr. Mitchell called the hearing to order

and turned the proceeding over to the Hearing Officer, Jake Jones. The Board was represented by Luke Daniel. The respondent was not present for the hearing.

BOARD ACTION

Dr. Crouse made the motion in the matter of **John Cornwell, PD06124, Case #2021-CE012**, that the case be dismissed. Dr. Newsome seconded the motion. The vote for the motion was unanimous.

Discussion Items:

BOARD ACTION

Dr. Newsome made the motion to set the June Board Meeting for June 7-9, 2022. Dr. Jolly seconded the motion. The vote for the motion was unanimous.


November Informal will be held on the 7th and 8th, 2022.

The Board discussed the current issue with pharmacy closings and other issues with Pharmacies that are closing due to staffing issues and not working their published hours.


Luke Daniel, general counsel also informed the Board that the February Board meeting is set for the 7-9. November Informal will be held on the 7th and 8th, 2022.

The meeting was adjourned.

Prepared by:


Lana Whitmore, CFO

Approved for the Board:


Rebecca Mitchell, Pharm.D., President